

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIA VERGARA, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,

Defendant.

No. 1:15-CV-06942

Judge: Honorable Thomas M. Durkin

**UBER TECHNOLOGIES, INC.'S UNOPPOSED MOTION FOR LEAVE TO FILE
INSTANTER THE ATTACHED SUPPLEMENTAL AUTHORITY IN SUPPORT OF
UBER TECHNOLOGIES, INC.'S MOTION TO STAY PROCEEDINGS PENDING
APPEAL OF THE FCC'S OMNIBUS ORDER TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Defendant Uber Technologies, Inc. ("Uber"), through its attorneys, Perkins Coie LLP, moves this Court for leave to file *Instanter* the attached supplemental authority in support of Uber's Motion to Stay. This motion is unopposed by Plaintiff. In support, Uber states as follows:

1. On October 16, 2015, Uber filed a Motion to Stay these proceedings pending the appeal of the FCC's Omnibus Order to the United States Court of Appeal for the District of Columbia Circuit. This appeal addresses a number of legal issues that have significant impact in this case. As of November 20, 2015, Uber's Motion has been fully briefed.

2. On November 25, 2015, the opening brief of the Appellants was filed in the D.C. Circuit. *See* Opening Brief, *ACA Int'l v. Fed. Commc'ns Comm'n*, No. 15-1211 (D.C. Cir. filed November 25, 2015). This opening brief addresses in depth the issues on appeal, which bear directly on this case and which are the subject of Uber's Motion to Stay.

3. Uber seeks to bring to the Court's attention this supplemental authority, which, while not a decision, will be very helpful to the determination of the issues before the Court. *See Jacobs, Jr. v. Guardian Life Ins. Co. of Am.*, 730 F. Supp. 2d 830, 844 (N.D. Ill. 2010) ("Because

the Court finds the supplemental authority helpful with respect to this point of law, it grants Defendants' Motion for Leave to File Supplemental Authority.'"). A copy of this brief is attached hereto as Exhibit A.

4. For these reasons, Uber respectfully requests that the Court grant this Motion For Leave to File *Instantly* the Attached Supplemental Authority.

5. Counsel for Uber has contacted counsel for Vergara, who does not oppose this Motion.

Dated: November 30, 2015

Respectfully submitted,

UBER TECHNOLOGIES, INC.

By: s/ Debra R. Bernard

Debra R. Bernard, ARDC No. 6191217
DBernard@perkinscoie.com

PERKINS COIE LLP

131 South Dearborn, Suite 1700

Chicago, Illinois 60603

Telephone: (312) 324-8559

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I electronically filed the attached document. Pursuant to Rule 5(b)(3) of the Federal Rules of Civil Procedure and Local Rule 5.9, I have thereby electronically served all Filing Users.

Dated: November 30, 2015

Respectfully submitted,

UBER TECHNOLOGIES, INC.

By: s/ Debra R. Bernard

Debra R. Bernard, ARDC No. 6191217

DBernard@perkinscoie.com

PERKINS COIE LLP

131 South Dearborn, Suite 1700

Chicago, Illinois 60603

Telephone: (312) 324-8559